

1909-014 Chancery Causes: M. F. Litton vs. J. P. Rosnic &  
Lee Co.

Hall, Kinder

1 Plat

CA-Contract Dispute  
T-Property



To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia:

Humbly complaining your orator M. F. Litton would respectfully represent and show unto your honor that J. B. Rasnic was the owner of a one-half undivided interest in a tract of land situated on the north side of Wallens ridge, lying between the top of Wallen's Ridge and the top of Clark's Ridge on the waters of Laurel Branch and Clark's Branch and in the neighborhood of a point called Buzzard's Roost, and that A. J. Litton was the owner of the other one-half undivided interest in the said tract of land.

Your orator would further represent and show unto your honor that the said J. B. Rasnic departed this life intestate, leaving as his heirs at law eleven children, namely: J.P.Rasnic, S.E.Rasnic, W.W. Rasnic, R.J. Rasnic, J.F.Rasnic, C.C.Rasnic, Nancy Hall, Ludema Kinder, Lucinda Hall, H. Rasnic, and David Rasnic, who as heirs at law of the said J. B. Rasnic succeeded to the rights of the said J. B. Rasnic in and to the said tract of land.

Your orator would further represent and show unto your honor that a suit was instituted at the Second April Rules, 1907, in the Circuit Court of Lee County, Virginia, by A. J. Litton and others against H. Rasnic and others for the purpose of partitioning the tract of land owned by the said Litton and J. B. Rasnic as aforesaid, and that Commissioners were duly appointed to partition the said tract of land between the said A. J. Litton and the heirs of the said J. B. Rasnic, and that said Commissioner so appointed on the 24th day of February, 1908, filed their report in the said cause showing said partition, together with a plat of the said land, which said report and plat were duly confirmed and ordered to be recorded by decree entered in the said cause on the 4th day of May, 1908, and that said report and plat and decree were duly recorded in the Clerk's office of Lee County, Virginia in Deed Book No. 47, page 166 &c., to which said cause and said



and said original report and plat reference is here made for a particular description of the land so assigned to the heirs of the said J. B. Rasnic, and from which it will be seen there was assigned 110 acres of the said land, and for the purpose of saving expenses of copying the said report and plat, your orator asks that the said original report and plat be used in this cause for the purposes of this suit.

Your orator would further represent and show unto your honor that he is the owner of three-elevenths of the said 110 acres of land by purchase and represents that the said Ledema Kinder sold and conveyed her one-eleventh undivided interest in said tract of land to C. C. Rasnic, and that C. C. Rasnic sold and conveyed the said interest so purchased from said Ludema Kinder, and the interest which he was entitled to as heir at law of the said J. B. Rasnic to R. J. Rasnic, and that by deed of conveyance signed by the said R. J. Rasnic and wife and C. C. Rasnic and wife, the said three-elevenths interest in said tract of land was duly conveyed with covenants of general warranty to your orator, by reason of which he became and now is the owner of the three-elevenths interest in the said tract of land, as will more fully appear by copy of the said deed of conveyance herewith filed as a part of this bill as exhibit No. 1.

Your orator would further represent and show unto your honor that he has other lands adjoining the said tract of land and is advised that he is entitled to have a three-elevenths in said land laid off adjoining his own tract.

Your orator would further represent and show unto your honor that all of the said heirs as aforesaid are of age except H. Rasnic and David S. Rasnic, and that the said H. Rasnic and David S. Rasnic are infants under the age of twenty-one years.

Your orator is further advised that it is just that all the heirs of the said J. B. Rasnic, who are interested in the said tract of land should bear their pro rata part of the expenses of this partition suit.



including a reasonable attorney's fee to the plaintiff's counsel in this case, provided said heirs who are defendants in this cause do not employ counsel to represent them in the partition of the said land. And your orator is advised that \$50.00 would be a reasonable compensation to the said attorney's for the prosecution of the said suit.

The prayer therefore of your orator is that J. P. Rasnic, S.E. Rasnic, W.W.Rasnic, J.F. Rasnic, Nancy Hall, ~~Linda~~ <sup>John</sup> Hall, H. Rasnic and David S. Rasnic be made parties defendant to this bill of complaint and be required to answer the same, but not under oath, answer under oath being expressly waived; that upon a hearing Commissioners be appointed to partition the said tract of land and assign to each of the parties interested therein the various shares to which they are each entitled, and that your orator be assigned three-elevenths of the said tract of land, and that the same be laid off to him next to and adjoining his other lands; that each of the said heirs be required to bear their proportionate part of the expenses of this suit, including the said attorney's fee, and that upon a final hearing judgement be rendered therefor. And may all other further and general relief be granted your orator that the nature of his cause and good conscience requires. And he will ever pray &c.

Pennington Brad P.Q.



Costs:

Clark \$11.17 pd

Shff. 5.50 pd

Atty. 15.00 pd

Comrs. 14.00

G.A.L. 5.00 pd

Clark 11.17 \$50.67

Thompson 6.00 17.17

#33.50

paid to R. L. P. by  
Lester to be distributed

M. F. L. L. L.

vs { Bice

J. P. Roscoe et al

1909 2<sup>nd</sup> Apr. Rules

Bill filed, Spa  
executed on adult  
defts. & D.N. as to  
them.

" 1<sup>st</sup> May Rules  
D.N. conf'd as to  
adult defts. and  
cause set for  
hearing as to them.



In the Circuit Court for the County of Lee,  
to-wit:

THE ANSWER OF H. Rosnie. Ed David R. Rosnie -

infant<sup>s</sup> under the age of twenty-one years, by M. G. Ealy  
guardian *ad litem*, assigned to defend them in this suit, to a bill of complaint exhibited against  
them and others in the Circuit Court for the County of  
Lee, by M. H. Litton and others.

The respondent, reserving to ~~themselves~~ the benefit of all just exceptions to the said bill, for  
answer thereto, answering by said guardian *ad litem*, say that they are infant<sup>s</sup> of  
tender years, and by reason of such disability are incapable of understanding, or of  
taking care of Their rights and interests, They therefore commend the same  
to the protection of the court, and prays that no decree may be pronounced which will tend  
to Their prejudice.

And having answered, the respondent pray to be hence dismissed with Their  
reasonable costs, in this behalf expended; and they will ever pray, &c.

M. G. Ealy - Guardian *ad litem*.

p. d.

County  
OF  
Lee } ss.

This day, M. G. Ealy, whose name is signed to  
the foregoing answer, personally appeared before me, H. C. Joslyn J.P.  
and made oath that the statements made therein, so far as they depend upon his own knowl-  
edge, are true, and so far as they depend upon knowledge derived from others he believes them  
to be true.

Given under my hand, this 23<sup>rd</sup> day of April 1909.

H. C. Joslyn J.P.



*J.P. Rosnic et als*

adv. }

ANSWER  
OF  
INFANT DEFENDANT.

*M. H. Litton*

*Filed May 3, 1909.*

*H. C. D. Ewing,*  
*Clk.*

*H. A. L. fee \$2.00*



M. F. Litton.....Complainant.

Vs.

In Chancery

J. P. Rasnic and others.....Defendants.

This cause came on again to be heard upon the papers formerly read therein and the report and plat of V. S. Banner, C. V. Young, J. T. Whittaker, R. A. Richmond, and W. E. Thompson, Commissioners, filed in this cause on the 26th day of August, 1909, and was argued by counsel.

And the said report and plat being ~~un~~accepted to, it is hereby adjudged, ordered and decreed that said report and plat be and they are hereby approved and confirmed, and that the complainant M. F. Litton take and hold in fee simple the tract of land mentioned and fully described in said report and laid off and assigned to him by said Commissioners according to the meets and bounds set forth in said report, and containing fifteen acres more or less and designated on said plat as " M. F. Litton 15 acres"; and that J. P. Rasnic, S. E. Rasnic, W. M. Rasnic, J. F. Rasnic, Nancy Hall, Ludema Hall, H. Rasnic, and David <sup>Mc</sup>Rasnic, jointly take and hold the residue of said tract shown on said plat marked " Rasnic heirs 95 acres". And the clerk of this court will record in the proper deed book in his office, the decree of the court appointing said Commissioners, the said report and plat and this decree. And that the plaintiff M. F. Litton pay three-elevenths of the cost of this suit, and that the said defendants pay the other 8/11 of said costs, and for which costs execution or executions may issue against the parties in favor of the officers of this court. And this cause is stricken from the docket.

Virginia, Lee County, to wit:  
In the Clerk's office of Lee County, on  
this the 13th day of November, 1909, the  
foregoing decrees, Commissioners' report  
and plat were presented, and ad-  
mitted to record.  
Jesse H. C. I. Coving, Clerk



M. F. Lillian

vs } Deceased

J. P. Rasnick et al

Entered in C.O.B.  
#8, page 494.

Enter this.

Sept 7 1909

H. A. W. Sherriff Judge

Recorded in  
Deed Book 49, page 445  
Examined Nov. 18, 1909  
Indexed



-Commissioners Report-

M.F.Litton,  
Vs.  
J.B.Rasnic & Others,

To the Hon.H.A.W.Skeen,Judge of the Circuit Court of Lee County Va.  
At a Circuit Court held for Lee County at the Court House there of on  
the 7th day of May 1909 it was ordered and decreed that V.S.Banner,  
R.A.Richmond, W.F.Thompson, J.T.whittaker and C.V.Young who ~~were~~<sup>went</sup> there-by  
appointed as special commissioners for the purpose of going up on the  
lands mentioned in said bill of ~~partition~~<sup>the plaintiff</sup> and partition the same  
among those entitled thereto that is to lay off and assign to M.F.Litton  
3/11 of the said estate as mentioned in the bill of ~~partition~~<sup>the plaintiff</sup> it being  
three elevenths of the estate of J.B.Rasnic lands assigned to the  
widow and heirs of J.B.Rasnic by the commissioners on the 24th day  
of February 1908.Your under signed commissioners beg leave to report  
that on the 2nd day of August 1909 we did go up on the lands mentioned  
in said bill,and after being duly sworn did lay off and assign to  
M.F.Litton three elevenths of the said tract which is bounded and described  
as follows to wit: Beginning at a small sugar-tree below a spring shown  
on the plat at A.Corner to the Rasnic lands.Thence S.18 3/4.E 24 poles  
to a stake and locust shown on plat at B N.75.E 46 poles to a stake on  
steep ground shown on plat at C. S.40.W 17 1/2 Poles to two small  
locusts on top of the Clark ridge shown on plat at D.N71.W 9 poles to  
Chestnut sprouts shown on plat at E.N.80 1/2.W 9 poles to sugar tree  
shown on plat at F. N.61.W 14 poles to a chestnut shown on plat at G.  
N.71 1/2.W 11 poles to a small Sugartree shown on the plat at H.  
S.69 1/2.W 6 poles short 7 links to a black oak.Shown on the plat at I.  
West 9 1/2 Poles to a double Chestnut Shown on the plat at J. N.62 1/2.W  
14 1/2 poles to a rock marked U.S.G.S. Shown on plat at K.N.19.W 11 poles  
to a large spanish oak at the Buzzard Roost. Shown on plat at L.  
N.84.E.4 poles to a ~~Spanish Oak~~<sup>Rock</sup> Original Corner shown on plat at M.  
N.64 1/4.E 8 poles to a sharp top rock shown on plat at N. N.66.E  
10 poles to two small sugar trees,shown on plat at O. N.42 1/2.E 8 poles  
short 6 links to a small sugar tree,and locust a corner to the A.J.Litton  
tract,shown on plat at P. Thence S.40 3/4.E 21 poles to a ~~black~~ black  
walnut shown on plat at Q.



S. 37. 33 poles to a locust stump, shown on plat at N. 2. 83 3/4. 2  
 49 poles to the Beginning. Containing 15 Acres, which we think is three  
 elevenths in value of the 110 acre tract of land. We also assign the  
 Residue of said tract containing 95 acres to the widow and heirs of  
 J. D. Rasnic deceased who have not sold their interest to the said  
 W. F. Litton. There is also reserved a long the South West line of this  
 tract of land a right of way 12 feet wide which we assign to the said  
 W. F. Litton's lot all of which is Respt. Submitted.

*V. S. Banner.*  
*C. V. Young.*  
*J. T. Whittaker.*  
*R. A. Richmond.*  
*W. E. Thompson.*  
 Commissioners...

#### Cost of Partition

V. S. Banner	1 day	\$2.00
R. A. Richmond	" "	2.00
J. T. Whittaker	" "	2.00
C. V. Young	" "	2.00
W. E. Thompson	3 days Surv. Rep.	6.00

\$14.00



Recorded in  
D.B. 49, page 43.  
Examined Nov. 18, 1899  
Indexed.



M. F. Litton.....Complainant.

Vs.

IN Chancery.

J. P. Rasnic and others.....Defendants.

This cause came on this day to be heard upon the bill of the complainants/ and exhibits filed therewith, the answer of M.G. Ely, guardian ad litem for H, RasNic and David R. Rasnic, infants, and general replication thereto, and was argued by counsel,

On consideration of all which and it appearing to the court that the adult defendants have been duly served with process, and they having failed to appear, plead or answer, the said bill of the complainants/ is therefore taken for confessed. And the said court being of opinion <sup>from</sup> ~~that~~ the allegations of the plaintiff's bill that the said tract of land is susceptible of partition, it is therefore adjudged, ordered and decreed that V. S. Banner, R. A. Richmond, W. E. Thompson, J. T. Whittaker and C.V. Young, who are hereby appointed as Special Commissioners for the purpose, any three of whom may act, will go upon the land in the bill and proceedings mentioned and partition the same among the parties in interest according to their respective shares as alleged in the said bill, and in doing so if practical they will lay off to the said Litton his shares of the said land so that the same may adjoin his other lands. And they will report their action to the next term of the court and this cause is continued,



M. A. Linton - Conject

B.  $\frac{2}{3}$  Decree for Portition

J. P. Rasmussen & Co  
Entered in Co. B.  
#8, page 484

Enter this Decree  
May 7<sup>th</sup> 1908  
H. C. W. S. S. S.

Recorded in Deed  
Book 47, page 43  
Examined Nov. 18, 1909  
Indexed



Virginia,

At a Circuit Court continued and held for Lee County, at the Court-house thereof, on Friday, the 7th day of May, 1909.

M. F. Litton,

Complainant.

Vs.

J. P. Rasnic and others

Defendants.

This cause came on this day to be heard upon the bill of the complainant and exhibits filed therewith, the answer of M. G. Ely, guardian ad litem for H. Rasnic and David R. Rasnic, infants, and general replication thereto, and was argued by counsel.

On consideration of all which and it appearing to the court that the adult defendants have been duly served with process, and they having failed to appear, plead or answer, the said bill of the complainant is therefore taken for confessed. And the said Court being of opinion from the allegations of the plaintiff's bill that the said tract of land is susceptible of partition, it is therefore adjudged, ordered and decreed that V. S. Banner, R. A. Richmond, W. E. Thompson, J. T. Whittaker and C. V. Young, who are hereby appointed as Special Commissioners for the purpose, any three of whom may act, will go upon the land in the bill and proceedings mentioned and partition the same among the parties in interest according to their respective shares as alleged in the said bill, and in doing so if practical they will lay off to the said Litton his shares of the said land so that the same may adjoin his other lands. And they will report their action to the next term of the court and this cause is continued.

A copy,

Teste: J. R. P. Young, Clerk.



M. F. Litton

v. Decece copy

J. P. Rasmie & others

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For Sheriff's return

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Executed by delivering  
copies of the within  
notices to the following  
named persons J. T. Whitaker  
V. S. Bonner R. A. Richmond  
C. N. Young and W. E. Thompson  
this May 29th 1907  
G. N. Solge & I for  
W. Y. Guener & L. C.



Virginia,

At A Circuit Court continued and held for Lee County, at the Court-house thereof, on Friday, the 7th day of May, 1909.

M. F. Litton

Complainant.

Vs.

J. P. Rasnic and others

Defendants.

This cause came on this day to be heard upon the bill of the complainant and exhibits filed therewith, the answer of M. G. Ely, guardian ad litem for H. Rasnic and David R. Rasnic, infants, and general replication thereto, and was argued by counsel.

On consideration of all which and it appearing to the Court that the adult defendants have been duly served with process, and they having failed to appear, plead or answer, the said bill of the complainant is therefore taken for confessed. And the said Court being of opinion from the allegations of the plaintiff's bill that the said tract of land is susceptible of partition, it is ~~it~~ therefore adjudged, ordered and decreed that V. S. Banner, R. A. Richmond, W. E. Thompson, J. T. Whittaker and C. V. Young, who are hereby appointed as Special Commissioners for the purpose, any three of whom may act, will go upon the land in the bill and proceedings mentioned and partition the same among the parties in interest according to their respective shares as alleged in the said bill, and in so doing if practical they will lay off to the said Litton his shares of the said land so that the same may adjoin his other lands. And they will report their action to the next term of the court and this cause is continued.

A copy,

Teste: A. C. Ewing, Clerk.

*Noted & returned to  
Litton 2  
J. P. Rasnic*



Comm. Report

W. F. Litton  
U.S.

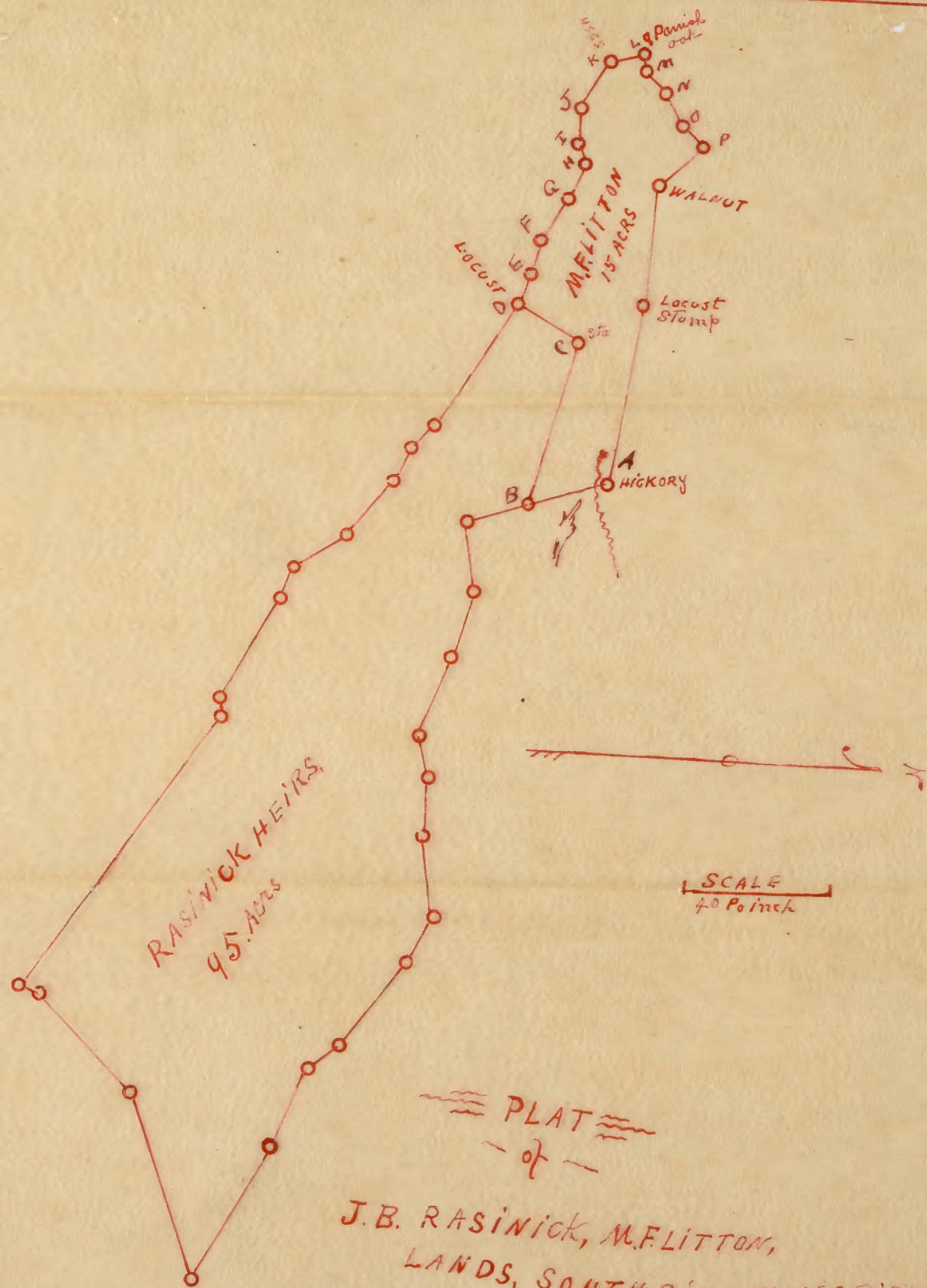
J. F. Rasnick & Co.

Filed August 26, 1909,  
W. C. J. Cuning,  
Clerk.

For

W. E. Thompson





PLAT  
of  
J.B. RASINICK, M. FLITTON,  
LANDS, SOUTH SIDE, WALLS RIDGE.

Thompson SUR



**The Commonwealth of Virginia,**

**To the Sheriff of the County of Lee, Greeting:**

WE COMMAND YOU, That you summon

*J. C. Rosnie, H. Rosnie, W. Rosnie, J. F. Rosnie, Nancy Bell, Lydia Hall, H. Rosnie and David Rosnie, the last two of whom are infants.*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the *3rd* Monday in *April*, 190*9*, to answer a bill in chancery exhibited against *them* by *M. J. Litton*

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *13th* day of *April*, 190*9*, and 1*23*-year of the Commonwealth.

A Copy, Teste:

*H. C. T. Ewing*, Clerk

\_\_\_\_\_, Clerk



Executed on the 12th day of April, 1909 by  
delivering true copies of the within notice  
to J. T. Rasnic, L. E. Rasnic, H. H. Rasnic,  
J. T. Rasnic, Nancy Hall and Indiana  
Hall.

J. V. Sage S.S. for  
H. Y. Tucker S.L.C.

M. F. Hilton

VS

SUBPOENA  
IN  
CHANCERY

J. T. Rasnic, et al.

J. T. Rasnic

-p. q.

To good J. V. Sage

Rules

See Circuit

Court

1909

Executed by delivering  
the copies to all to  
whom they were directed  
this 12th day of April, 1909

J. V. Sage S.S. for  
H. Y. Tucker & S.L.C.  
Sd. may still be in order



M. F. Lecom

vs. } In Chancery

J. P. Rosier et al

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